IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8665 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

@

PATEL HARSHADBHAI CHOTABHAI

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MS ARCHANA U AMIN for
MR MURALI N DEVNANI for Petitioner No. 1
MR DN PATEL Sr. Central Govt.
Counsel for the respondent.

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 01/10/2001

ORAL JUDGEMENT

Rule. Mr. D.N. Patel, learned Sr. Central Government Standing Counsel appears on behalf of the respondent and waives service of rule on behalf of the respondent.

2. This petition has been filed for a direction to the respondent to issue passport on the basis of the birth certificate issued by the competent authority.

3. Heard the learned counsel for the parties . It is also stated that the petitioner has moved a representation to the respondent to issue certificate on the basis of the birth certificate issued by the competent authority. It is stated that there is discrepancy regarding the birth date shown in the school leaving certificate and birth certificate of the petitioner issued by the competent authority. The correct birth date of the petitioner is 18-12-1955 and not 4-12-1955. But the respondent has not decided the representation made by the petitioner to the respondent saying that the respondent has no authority or power to make correction in the passport unless any order is passed by the competent Court in this respect. The learned counsel for the petitioner has referred to the birth date certificate as well as the school leaving certificate of the petitioner issued by the authority concerned.

4. In the facts and circumstances of this case, this petition is being disposed of finally by directing the respondent to consider and decide the aforesaid application filed by the petitioner on the basis of the material and evidence on record including the birth certificate showing the correct birth date of the petitioner as 18-12-1955 in place of 4-12-1955 in accordance with law, as expeditiously as possible preferably within a period of one month from the date of presentation of a certified copy of this order. The respondent authority would be at liberty to pass appropriate order with regard to costs of this proceedings.

5. Rule is made absolute to the aforesaid extent, with no order as to costs. D.S. is permitted.

-0-0-0-0-0-

/JVSatwara/